

Lance D. Orloff (SBN 116070)
Alexis A. Arteaga (SBN 356798)
GRANT, GENOVESE & BARATTA, LLP
2030 Main Street, Suite 1600
Irvine, CA 92614
Telephone: (949) 660-1600
Facsimile: (949) 660-6060
6080-451

Email: ldo@ggb-law.com; aaa@ggb-law.com; eservice@ggb-law.com

Attorneys for Defendant Los Angeles Auto Wholesalers & Recovery Services, Inc.

CENTRAL DISTRICT OF CALIFORNIA

DOUGLAS GALANTER,
Plaintiff,

vs.

LOS ANGELES AUTO WHOLESALERS &
RECOVERY SERVICES, INC.,

Defendant.

Case No. 2:23-cv-09466-ODW

**DEFENDANT LOS ANGELES
AUTO WHOLESALERS &
RECOVERY SERVICES, INC.'S
SEPARATE STATEMENT OF
UNCONTROVERTED FACTS**

**[Filed concurrently with Motion for
Summary Judgment, or,
Alternatively, Partial Summary
Judgment; Declaration of Lance D.
Orloff; Declaration of Juan
Martinez; Index of Documentary
Evidence; [Proposed] order]**

Date: April 21, 2025

Time: 1:30 p.m.

Courtroom: 5D

Trial date: August 19, 2025

Defendant Los Angeles Auto Wholesalers & Recovery Services, Inc. hereby
submits their Separate Statement of Uncontroverted Facts in support of their Motion for

Summary Judgment, or, Alternatively, Partial Summary Judgment and remand pursuant to Fed. R. Civ. P. 56, 12(b)(1), and Local Rules 56-1 through 56-4.

DEFENDANT’S STATEMENT OF UNCONTROVERTED FACTS:	SUPPORTING EVIDENCE:
1. Plaintiff, Douglas Galanter filed his complaint on November 29, 2023, against Defendant Access Finance and Defendant Los Angeles Auto Wholesalers & Recovery Services Inc. (LAWRSI) seeking damages for alleged violations of the Fair Debt Collection Practices Act, Rosenthal Act, and for Conversion.	Declaration of Lance D. Orloff (“Orloff Decl.”), ¶ 3; Index of Documentary Evidence (“IDE”) Exhibit A.
2. Plaintiff Douglas Galanter entered into his car-title loan with Access Finance, for \$20,000.	Orloff Decl., ¶ 3; IDE Exhibit A.
3. The loan would be secured by Galanter’s 2015 Honda Accord.	Orloff Decl., ¶ 3; IDE Exhibit A.
4. On or about July 17, 2023, LAWRSI received a repossession order to repossess Galanter’s vehicle on behalf of Access Finance.	Declaration of Juan Martinez (“Martinez Decl.”) ¶ 3; IDE Exhibit B.
5. According to the repossession assignment, Galanter was	Martinez Decl., ¶ 4; IDE Exhibit B.

1	delinquent on his loan by three	
2	months and owed a balance of	
3	\$4,804.28.	
4	6. Access Finance provided LAWRSI	Martinez Decl., ¶ 5; IDE Exhibit B.
5	with two possible addresses for the	
6	vehicle: 6755 South Spingpark	
7	Avenue, Los Angeles (a	
8	condominium) and 8604 Sunset	
9	Boulevard, West Hollywood	
10	("HotPilates").	
11	7. Galanter never resided at the	Orloff Decl., ¶ 3; IDE Exhibit C.
12	Springpark Address.	
13	8. On September 5, 2023, a LAW	Orloff Decl., ¶ 12; IDE Exhibit J.
14	Recovery tow truck driver, Steven	
15	McIntosh ("McIntosh") saw the	Deposition of Steven McIntosh
16	repossession order for Plaintiff's	("McIntosh Dep.") 73:16-25.
17	vehicle in the Recovery Database	
18	Network ("RDN").	
19	9. The Springpark address was in	Orloff Decl., ¶ 12; IDE Exhibit J.
20	McIntosh's assigned patrol area, so	
21	McIntosh made his way to the	McIntosh Dep. 74:19-21.
22	address.	
23	10. McIntosh arrived at the Springpark	Orloff Decl., ¶ 12; IDE Exhibit J.
24	address at approximately 11:45	
25	a.m. on September 5, 2023.	McIntosh Dep. 114:5-15.
26	11. McIntosh saw Galanter's vehicle	Orloff Decl., ¶ 12; IDE Exhibit J.
27	parked in an enclosed garage	
28	beneath a condominium complex.	McIntosh Dep. 114:16-21.

1	12. McIntosh took four photographs of	Orloff Decl., ¶ 12; IDE Exhibit J.
2	the vehicle and updated the RDN	
3	system with the photographs,	McIntosh Dep. 115:13-15.
4	informing the LAWRSI office that	
5	he had located Plaintiff's vehicle.	IDE Exhibit D.
6	13. After doing so, McIntosh parked in	Orloff Decl., ¶ 12; IDE Exhibit J.
7	the alley near the garage gate for	
8	approximately 10 to 15 minutes to	McIntosh Dep. 33:14-20, 129:4-7.
9	look for a new repossession order.	
10	14. As McIntosh searched for a new	Orloff Decl., ¶ 12; IDE Exhibit J.
11	order, a vehicle left the garage,	
12	opening the garage gate.	McIntosh Dep. 30:11-18.
13	15. While the garage gate was open,	Orloff Decl., ¶ 12; IDE Exhibit J.
14	McIntosh entered the garage and	
15	parked his tow truck under the	McIntosh Dep. 58-59: 24-2.
16	gate.	
17	16. McIntosh then went to Galanter's	Orloff Decl., ¶ 12; IDE Exhibit J.
18	vehicle, gained entry and	
19	proceeded to connect Galanter's	McIntosh Dep. 59: 8-14.
20	vehicle to his tow truck.	
21	17. In doing so, McIntosh moved his	Orloff Decl., ¶ 12; IDE Exhibit J.
22	tow truck, and the garage gate	
23	closed.	McIntosh Dep. 63: 7-19.
24	18. McIntosh used the garage clicker	Orloff Decl., ¶ 12; IDE Exhibit J.
25	from inside Galanter's vehicle to	
26	open the garage gate and exit the	McIntosh Dep. 63: 3-6.
27	garage.	

19. While in the alley, McIntosh took more photos of Galanter's vehicle attached to his tow truck and updated the RDN system.	Orloff Decl., ¶ 12; IDE Exhibit J. McIntosh Dep. 117:2-11. IDE Exhibit E.
20. McIntosh drove Galanter's vehicle back to LAWRSI's yard and filled out a Notice of Seizure and Personal Property Inventory Form at approximately 4:48 p.m. and provided the form to a LAWRSI office worker.	Orloff Decl., ¶ 12; IDE Exhibit J. McIntosh Dep. 134-135: 10-2. IDE Exhibit F.
21. On September 13, 2023, Galanter's vehicle was recovered from LAWRSI by an agent of Access Finance.	Martinez Decl., ¶ 6; IDE Exhibit G.
22. The Release Request was signed by Juan Muruato of Access Finance.	Martinez Decl., ¶ 7; IDE Exhibit G.
23. LAWRSI never contacted Galanter regarding the debt owed to Access Finance.	Martinez Decl., ¶ 8.
24. LAWRSI never contacted Galanter or his daughter regarding the debt or the location of the collateral.	Martinez Decl., ¶ 9.
25. It has never been part of LAWRSI's practices as a repossession company to attempt to	Martinez Decl., ¶ 10.

1	collect the debt on behalf of a lender.	
2		
3	26.Galanter has not produced any	Orloff Decl., ¶ 5.
4	evidence as to LAWRSI's skip-	
5	tracing services, phone call efforts,	
6	or other collections practices that	
7	would display an attempt to collect	
8	a debtor's payment for their debt or	
9	even direct a debtor to pay their	
10	lender.	
11		
12	27.Access Finance hired LAWRSI	Martinez Decl., ¶ 11; IDE Exhibit B.
13	solely to repossess the collateral	
14	that secured its loan to Galanter.	
15		
16	28.LAWRSI was not hired to collect	Martinez Decl., ¶ 12.
17	money from Galanter, and	
18	LAWRSI did not collect money	
19	from Galanter.	
20		
21	29.LAWRSI has never collected	Martinez Decl., ¶ 13.
22	money on behalf of any lender.	
23		
24	30.Defendant repossessed Galanter's	Orloff Decl., ¶ 12; IDE Exhibit J.
25	vehicle without ever encountering	
26	Galanter, his daughter, or his ex-	McIntosh Dep. 44:1-23.
27	wife.	
28		
	31.McIntosh encountered one man	Orloff Decl., ¶ 12; IDE Exhibit J.
	who simply asked what he was	

1	doing, and when McIntosh	McIntosh Dep. 44:1-23.
2	explained he was towing a car, the	
3	man walked away without further	
4	inquiry or objection.	
5	32.McIntosh did not enter the garage	Orloff Decl., ¶ 12; IDE Exhibit J.
6	via a break-in, in fact the gate to the	
7	communal garage was open when	McIntosh Dep. 30:11-18.
8	he entered.	
9		
10	33.No use of force, or threat of force,	Orloff Decl., ¶ 12; IDE Exhibit J.
11	occurred during the repossession of	
12	Galanter's vehicle.	McIntosh Dep. 44:1-23.
13		
14	34.Galanter produced a receipt billed	Orloff Decl., ¶ 6; IDE Exhibit H.
15	to the condominium's homeowner's	
16	association for new brackets, new	
17	chain, and new remotes with regard	
18	to the condominium gate dated	
19	October 10, 2022, approximately	
20	eleven months prior to the date of	
21	repossession.	
22	35.Galanter's ex-wife, a resident of the	Orloff Decl., ¶ 7; IDE Exhibit I.
23	condominium complex, also	
24	provided Galanter with photos of	
25	the disrupted gate motor.	
26		
27	36.Galanter's ex-wife's text messages	Orloff Decl., ¶ 8; IDE Exhibit I.
28	were sent two days after the	

1	repossession and no evidence has	
2	been produced to connect this gate	
3	mechanism to McIntosh or his	
4	repossession of Galanter's vehicle.	
5	37.Galanter has produced no evidence	Orloff Decl., ¶ 9.
6	to display that McIntosh himself, or	
7	any of LAWRSI's agents caused	
8	the gate to break.	
9		
10	38.Galanter has produced no evidence	Orloff Decl., ¶ 10.
11	that Defendant or its employees	
12	regularly engage in debt collection	
13	by actively directing debtors to pay	
14	their notes.	
15		
16	39.Galanter alleges that LAWRSI is a	Orloff Decl., ¶ 3; IDE Exhibit A.
17	debt collector within the meaning	
18	of Cal. Civ. Code § 1788.2(c) and	
19	violated the Rosenthal Act by	
20	"using criminal means to cause	
21	harm to the property of plaintiff."	
22	40.Galanter alleges that LAWRSI	Orloff Decl., ¶ 3; IDE Exhibit A.
23	committed the crime of trespass and	
24	vandalism in entering and	
25	damaging the garage gate.	
26		
27	41.No evidence has been produced to	Orloff Decl., ¶ 11.
28	display any property of Galanter	

1 was harmed before, during, or after
2 this repossession occurred.

3
4
5
6 DATED: March 24, 2025

GRANT, GENOVESE & BARATTA, LLP

7
8 By: 

9 LANCE O. ORLOFF

ALEXIS A. ARTEAGA

10 Attorneys for Defendant Los Angeles Auto
11 Wholesalers & Recovery Services, Inc.
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28